

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PB FARRADYNE, INC.,)	Case No. C-05-3447 (SI)
Plaintiff,)	
)	[PROPOSED] REVISED CASE
vs.)	MANAGEMENT ORDER
)	
THOMAS D. PETERSON,)	
Defendant.)	
)	

The parties having appeared through their attorneys at several Case Management Conferences, and the parties having requested certain extensions of time by motion, pursuant to Fed. R. Civ. P. 16 and the local rules of this Court, including the Patent Local Rules ("PLR"), and for good cause shown, the Court HEREBY ORDERS that the parties follow, and hereby adopts, the following Revised Case Management Order:


1. The following deadlines, specified as the date required for service, shall apply to this case:

Deadline #1: Peterson's answer or other response to the Complaint (including counterclaims if warranted) [FRCP 12, 13] COMPLETED April 14, 2006

Deadline #2: PBF's reply to any counterclaim [FRCP 12(a)(2)]
..... COMPLETED April 28, 2006

Deadline #3: Disclosure of asserted claims, preliminary infringement contentions, accompanying document production [PLR 3-1 and 3-2], and exchange of initial disclosures [FRCP 26(a)(1)] COMPLETED May 11, 2006

Deadline #4: Preliminary Invalidity Contentions and accompanying document production [PLR 3-3 and 3-4] COMPLETED June 26, 2006

- 1 **Deadline #5:** Exchange of terms and claim elements proposed for the Court's claim
2 construction [PLR 4-1] COMPLETED July 14, 2006
- 3 **Deadline #6:** Exchange of preliminary claim constructions and supporting extrinsic
4 evidence [PLR 4-2] and identification of experts (on claim construction matters only) [FRCP
5 26(a)(4)(A)] COMPLETED August 30, 2006
- 6 **Deadline #7:** Joint claim construction and prehearing statement [PLR 4-3] and exchange
7 of expert reports (claim construction only) [FRCP 26(a)(2)] September 27, 2006
- 8 **Deadline #8:** End of claim construction discovery [PLR 4-4] October 13, 2006
- 9 **Deadline #9:** Claim construction opening briefs [PLR 4-5(a)] October 27, 2006
- 10 **Deadline #10:** Claim construction response briefs [PLR 4-5(b)] ... November 17, 2006
- 11 **Deadline #11:** Claim construction reply briefs [PLR 4-5(c)] December 1, 2006
- 12 **Deadline #12:** Claim construction tutorial and hearing [PLR 4-6]  Markman: 1/18/07
13 beginning January 16, 2007 @ 3:30 p.m.
14 **Deadline #13:** Final infringement contentions [PLR 3-6(a)] (*NOTE: deadlines 13-20 will be*
15 *adjusted later to compensate for the period, if any, from January 25, 2007, to the date the Court*
16 *issues a claim construction order.*) February 27, 2007
- 17 **Deadline #14:** Final invalidity contentions and willfulness (opinions of counsel)
18 disclosure [PLR 3-6(b) and 3-8] March 19, 2007
- 19 **Deadline #15:** End of fact discovery and designation of expert witnesses for triable issues
20 [FRCP 26(a)(4)(A)] (*NOTE: If either party informs the other, in advance of deadlines #13 or #14,*
21 *that it does not plan to file anything on its applicable deadline, then deadlines 15-20 will be adjusted*
22 *earlier to compensate for the time savings.*) May 7, 2007
- 23 **Deadline #16:** Exchange of expert reports [FRCP 26(a)(2)] June 1, 2007
- 24 **Deadline #17:** Exchange of rebuttal expert reports [FRCP 26(a)(2)] ... August 6, 2007
- 25 **Deadline #18:** End of expert discovery August 16, 2007
- 26 **Deadline #19:** Last day to file dispositive motions September 6, 2007
- 27 **Deadline #20:** Hearing on dispositive motions filed at the deadline
28 October 12, 2007

1 2. The parties shall appear at a Pretrial Conference shortly after the *Markman*
2 hearing, to discuss the further course of the case, on February 9, 2007, at 2:30 p.m.
3 Counsel must file a joint case management report seven (7) business days in advance of the
4 hearing.

5 3. A Final Pretrial Conference remains set for October 30, 2007, at 3:30 p.m. The
6 case remains set for trial on December 3, 2007, at 8:30 a.m.

7 4. The dates in this Order shall supersede corresponding dates in previous
8 orders.

9 IT IS SO ORDERED.

10
11 Dated: September __, 2006



Susan Illston, U.S. District Judge